

REMARKS

In response to the Office Action dated October 18, 2006, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 16, 18 and 22-25 have been canceled to expedite prosecution. Such cancellation should not be construed as acquiescence in any rejections of these claims.

Claims 1-6, 9-15 and 19-21 were rejected under 35 U.S.C. § 102 as being anticipated by Herz. This rejection is traversed for the following reasons.

Claim 1 as amended recites, *inter alia*, "generating a first data set having a first attribute associated with the first service or product; wherein the first data set is generated by a digital video recording (DVR) device, the first data set including a unique identifier associated with an entity, a date, a time and a title of a program or movie selected by the entity for recording on the DVR; determining when the entity selects a second service or product; generating a second data set having a second attribute associated with the second service or product; wherein the second data set is generated by a personal computer separate from the (DVR) device, the second data set including a unique identifier associated with an entity, a date, a time and a web address accessed by the personal computer; determining when the entity selects a third service or product; generating a third data set having a third attribute associated with the third service or product; wherein the third data set is generated by a store computer, the third data set including a unique identifier associated with an entity, a date, a time and a title of an item purchased by the entity; and, generating a fourth data set based on the first, second and third attributes when a portion of data associated with the first attribute is substantially similar to a portion of data associated with the second attribute and third attribute."

In claim 1, three devices are used to define attribute data, namely a DVR device, a personal computer and a store computer. The attribute data from these three devices is then used to generate fourth attribute data. Herz fails to teach or suggest at least these features and thus cannot anticipate claim 1.

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For at least the above reasons, claim 1 is patentable over Herz. Claims 2-6 and 9 depend from claim 1 and are patentable over Herz for at least the reasons advanced with reference to claim 1.

Claim 10 recites features similar to those discussed above with reference to claim 1 and is patentable over Herz for at least the reasons advanced with reference to claim 1. Claims 11- 16, 19 and 20 depend from claim 10 and are patentable over Herz for at least the reasons advanced with reference to claim 1.

Claim 21 recites features similar to those discussed above with reference to claim 1 and is patentable over Herz for at least the reasons advanced with reference to claim 1.

Claims 7-8 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Herz in view of Lammerhuber. This rejection is traversed for the following reasons. Lammerhuber was relied upon for disclosing generation of a data set using a cell phone, but fails to cure the deficiencies of Herz discussed above with reference to claim 1. Claims 7-8 depend from claim 1 and are patentable over Herz in view of Lammerhuber for at least the reasons advanced with reference to claim 1. Claim 17 depends from claim 10 and is patentable over Herz in view of Lammerhuber for at least the reasons advanced with reference to claim 10.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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